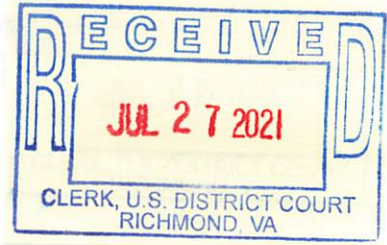


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



ROY FRANKLIN ECHOLS,

Plaintiff,

v.

Civil Action No. 3:19CV947

CSX TRANSPORTATION,

Defendant.

MEMORANDUM OPINION

Roy Franklin Echols, a Virginia inmate proceeding pro se, filed this action. The matter is before the Court on Echols's failure to serve CSX Transportation in the time required by Federal Rule of Civil Procedure 4(m).¹

Pursuant to Federal Rule of Civil Procedure 4(m), Morrison had ninety (90) days from the filing of the complaint to serve the defendants. Here, that period commenced on March 4, 2021. More than ninety (90) days elapsed and Echols had not served CSX

¹ Rule 4(m) provides:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

Fed. R. Civ. P. 4(m).

Transportation. Accordingly, by Memorandum Order entered on June 17, 2021, the Court directed Echols to show good cause within eleven (11) days of the date of entry thereof, for his failure to serve CSX Transportation. More than eleven (11) days have elapsed since the entry of the June 17, 2021 Memorandum Order and Echols has not responded. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Echols.

It is so ORDERED.

Date: July 27, 2021
Richmond, Virginia

/s/ *REP*

Robert E. Payne
Senior United States District Judge